



The motion to seal is granted. The clerk shall file Ex. 27-31 of the Zalman declaration (ECF 170) under seal, to be viewed only by the attorneys for the parties and by Chambers personnel.

Dated: 1/31/24  
New York, New York

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August 25, 2023

SO ORDERED:

ALVIN K. HELLERSTEIN, U.S.D.J.

VIA ECF

Hon. Alvin K. Hellerstein  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al.*,  
Case No. 1:22-cv-04724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co. Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon" or "Plaintiffs") in the above referenced matter.

We write to respectfully request that the Court enter an order maintaining under seal the documents discussed below, which Avon is submitting as Exhibits in connection with its Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment or, in the Alternative, to Compel Defendants to Respond to Plaintiffs' Third Set of Interrogatories (the "Reply Brief"). Copies of these documents are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, this Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential" or "Attorneys' Eyes Only," and provides that information so designated may not be disclosed except as expressly permitted under the Protective Order. (*Id.* ¶¶ 2, 12.)

In connection with its Reply Brief, Avon intends to submit the following documents as Exhibits to the Reply Declaration of David I. Zalman, dated August 25, 2023 (the "Zalman Reply Decl."):

1. An email produced by Fareva in this action Bates stamped FMG\_00172700 – FMG\_00172701, which Fareva designated as "Confidential" (Zalman Reply Decl. Ex. 27);

Hon. Alvin K. Hellerstein  
August 25, 2023

2. An email produced by Fareva in this action Bates stamped FMG\_00146209 – FMG\_00146211, which Fareva designated as "Confidential" (Zalman Reply Decl. Ex. 28);
3. An email produced by Fareva in this action Bates stamped FMG\_00666072 – FMG\_00666073, which Fareva designated as "Confidential" (Zalman Reply Decl. Ex. 29);
4. An email produced by Fareva in this action Bates stamped FMG\_00154258 – FMG\_00154260, which Fareva designated as "Attorneys' Eyes Only" (Zalman Reply Decl. Ex. 30); and
5. A letter produced by Fareva in this action Bates stamped FMG\_00154513 – FMG\_00154515, which Fareva designated as "Confidential" (Zalman Reply Decl. Ex. 31).

In addition to submitting the foregoing documents as Exhibits, Avon intends to reference, quote, and rely upon such documents—as well as documents filed under seal in connection with the Court's prior orders (ECF Nos. 142, 164)—in its Reply Brief.

Accordingly, Avon respectfully requests that the Court maintain the above-referenced documents and portions of its Reply Brief under seal, subject to any contrary request by Fareva at any time. By making this sealing request, Avon is not contending that good cause exists to designate any of the foregoing materials as Confidential or Attorneys' Eyes Only within the meaning of the Protective Order. Instead, Avon merely seeks to comply with its obligations under the Protective Order to file under seal documents that Fareva has designated or may designate as Confidential or Attorneys' Eyes Only. With Fareva's permission, Avon is prepared to re-file the foregoing documents or portions thereof publicly.

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner

Robert I. Steiner

cc: All Counsel of Record (via ECF)